

Application No. 10/016,156  
Attorney's Docket No. 1232-4783

### **REMARKS**

The above amendments and following remarks are responsive to all the points of rejection raised by the Examiner in the Office Action dated June 27, 2003. This Amendment is timely filed as September 27 and 28 fell on a Saturday and Sunday, respectively. Upon entry of the Amendment, claim 22 has been amended, claims 26-29 have been added, and claims 1-19 are pending in the application. No new matter has been introduced by the Amendment. Entry and consideration of the Amendment are respectfully requested.

### **STATUS OF CLAIMS**

In the Office Action, claim 22 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Shibayama et al. (U.S. Pat. No. 5,668,668, hereafter Shibayama). Claim 24 is rejected under 35 USC §103(a) as being unpatentable over Shibayama. Claims 1-21, 23 and 25 are allowed. Applicants respectfully traverse the above rejections for the following reasons.

### **RESPONSE TO §102 & §103 REJECTIONS:**

#### **Claims 22 and 24**

In the Office Action, the Examiner has rejected claim 22 because Shibayama appears to disclose each of every element set forth in the claims. Accordingly, Applicants have herein amended claim 22.

Applicants respectfully submit that the present invention as recited in amended claim 22 is directed to a zoom lens having a third lens unit moving along an optical axis for focusing, which is a feature not disclosed by Shibayama.

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Shibayama discloses that focusing is performed by second lens group G2, but third lens unit G3 does not move for focusing.

Thus, claim 22 is believed to be distinguishable over Shibayama at least for this reason. Likewise, claim 24 is also believed to be distinguishable over Shibayama based its dependency from claim 22.

**New Claims 26-29**

New independent claim 26 recites "a first lens unit moving along an optical axis for zooming." This feature is not believed to be taught or suggested by Shibayama. Shibayama is directed to a zoom lens including a first lens group G1 that does not move for zooming. Therefore, claim 26 is believed to be distinguishable over Shibayama. Likewise, claim 28 is also believed to be distinguishable over Shibayama based on its dependency from claim 26.

New independent claim 27 recites that "lens units included by said zoom lens are only said first, second and third lens unit." This feature is not taught or suggested by Shibayama. As shown in Figs 26, 31, 51, 61, 66, 71 and 76 of Shibayama, the zoom lens does not satisfy the condition of  $NL3 < NL2 \leq NL1$ . In other than Figs. 26, 31, 51, 61, 66, 71 and 76, there is no zoom lens including only first, second and third lens unit as lens units. Accordingly, claim 27 is believed to be distinguishable over Shibayama. Likewise, claim 29 is also believed to be distinguishable over Shibayama based on its dependency from claim 27.

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**CONCLUSION**

In view of the above Amendment and arguments, Applicants respectfully submit that all of the pending claims are patentable over the prior art of record, and are now in condition for allowance.

**AUTHORIZATION**

A check in the amount of \$240.00 is enclosed to cover the fees for addition of four claims. The Commissioner is hereby also authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4503, Order No. 1232-4783.

Respectfully submitted,

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